

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the Commission's Own Motion to address the issue of customers' electric and natural gas service disconnection.

Rulemaking 10-02-005
(Filed February 4, 2010)

**DECISION GRANTING REQUEST OF THE NATIONAL CONSUMER LAW CENTER
FOR INTERVENOR COMPENSATION FOR SUBSTANTIAL CONTRIBUTIONS TO
DECISION (D.) 12-03-054 AND D.11-12-028**

Claimant: National Consumer Law Center (NCLC)	For contribution to D.12-03-054 and D.11-12-028
Claimed (\$): \$52,924.98	Awarded (\$): \$43,196.23 (reduced 18%)
Assigned Commissioner: Michel Peter Florio	Assigned ALJ: Maryam Ebke

PART I: PROCEDURAL ISSUES

A. Brief Description of Decision: Decision (D.) 12-03-054 finds that the disconnection problem continues to warrant the Commission's attention and concern. The Commission ordered, among other things that:

- (1) The utilities shall offer the option of live California Alternative Rates for Energy (CARE) enrollment and this protection is permanent;
- (2) Pacific Gas and Electric Company (PG&E) and Southern California Edison Company (SCE) utility representatives shall perform on-site visits within 48 hours of, or at the time of remote disconnection, to protect vulnerable or sensitive customers;
- (3) The requirement of a site-visit before remote disconnection is a permanent provision;
- (4) Customers who have filed bankruptcy should not be categorized as customers involved in fraud or bad check writing who are excepted from

applicable deposit waivers;

- (5) Continuation of the in-field payment collection requirement of D.10-07-048, which does not require a cash deposit;
- (6) Utilities should allow customers choice in billing date, to the extent billing systems allow;
- (7) Benchmarks coupled with disconnection practice requirements were established to serve as incentives for lowering disconnections for each utility; and
- (8) Utilities must continue to inform customers, with arrearages that place them at risk of disconnection, of a right to a bill payment plan of at least three months.

D.11-12-028 required PG&E and SCE to keep in place the customer service disconnection practices ordered in D.10-07-048 until the Commission issued the final Phase II decision in the proceeding.

B. Claimant must satisfy intervenor compensation requirements set forth in Public Utilities Code §§ 1801-1812:

	Claimant	CPUC Verified
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	N/A	
2. Other Specified Date for NOI:	3/8/2010	NOIs were due 30 days after the issuance of the OIR, or by March 6, 2010.
3. Date NOI Filed:	3/5/2010	Yes
4. Was the NOI timely filed?		Yes
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	R.10-02-005	
6. Date of ALJ ruling:	April 1, 2010	Yes
7. Based on another CPUC determination (specify):		Yes
8. Has the Claimant demonstrated customer or customer-related status?		Yes
Showing of “significant financial hardship” (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	R.10-02-005	

10. Date of ALJ ruling:	April 1, 2010	Yes
11. Based on another CPUC determination (specify):		
12. Has the Claimant demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.12-03-054	
14. Date of Issuance of Final Order or Decision:	March 22, 2012	March 29, 2012
15. File date of compensation request:	May 18, 2012	Yes
16. Was the request for compensation timely?		Yes

PART II: SUBSTANTIAL CONTRIBUTION**A. Claimant's description of its contribution to the final decision (see § 1802(i), § 1803(a) & D.98-04-059):**

Contribution	Specific References to Claimant's Presentations and to Decision¹	Showing Accepted by CPUC
1. NCLC demonstrated that measures to reduce disconnections should be aimed at presenting at-risk customers with all available options to prevent disconnection.	D.12-03-054 at 14 (key to reducing disconnections is to ensure at-risk customers have full information and opportunity to act preventatively). NCLC 2011 Comments at 5-9 (maximizing at-risk customer ability pay with combination of all available assistance programs is key to reducing disconnections)	Yes
2. NCLC demonstrated that the affordability gap in California is real and requires continuing the Commission's intervention beyond the interim measures adopted in D.10-07-048.	D.12-03-054 at 14 (finding disconnection problem continues to warrant Commission's attention and concern), 16 (agreeing that "the affordability gap is a very significant underlying cause of higher rates of CARE disconnections") and 53 (Finding of Fact No. 6 noting difficult economic conditions and continued financial hardship in this time)	Yes

¹ The NCLC Comments referenced in this filing are those from Phase II of this proceeding. They are: (1) Comments filed on September 15, 2010 (NCLC 2010 Comments); (2) Reply Comments filed on September 24, 2010 (NCLC 2010 Reply Comments); (3) Comments filed on May 20, 2011 (NCLC 2011 Comments); (4) Reply Comments filed on May 31, 2011 (NCLC 2011 Reply Comments); (5) Comments of The Utility Reform Network (TURN), the Center for Accessible Technology (Cfor AT), the Greenlining Institute (Greenlining), and the NCLC filed on January 30, 2012 (Consumer Group 2012 Comments); and (6) Reply Comments filed February 6, 2012 (NCLC 2012 Reply Comments).

	NCLC 2011 Comments at 3-4 (explaining affordability gap), 5-9 (arguing for need for additional, new customer assistance programs beyond CARE)	
3. NCLC demonstrated that live CSR enrollments of customers is necessary because it provides a customer benefit not available through automated enrollment.	<p>D.12-03-054 at 21-22 (ordering PG&E to have CSRs offer option of live CARE enrollment), at 50 (Finding of Fact No. 6), at 56 (Ordering Paragraph No. 2i).</p> <p>NCLC 2011 Reply Comments at 1 (PG&E's automated enrollment is inconsistent with expectation that CSRs offer all available customer assistance programs), at 2 (some customers may not be able to successfully enroll via auto-enrollment).</p>	Yes
4. NCLC demonstrated that in-person visits before remote disconnection are not cost-prohibitive.	<p>D.12-03-054 at 29-30 (possible to take advantage of remote disconnection cost savings at the same time as requiring site visits for vulnerable or sensitive customers before remote disconnection).</p> <p>NCLC 2012 Reply Comments at 4 (disconnection performed after a site visit can still be done remotely).</p> <p>Consumer Group 2012 Comments at 8 (citing NCLC Phase II Comments on cost); <i>See</i> Attachment 2 (NCLC Timeslips dated 1/20/2012, 1/25/2012, 1/27/2012, 1/28/2012, 1/30/2012 and coded REM).</p> <p>NCLC 2011 Reply Comments at 3-4 (explaining that in-person site visit before remote disconnection would not add to current costs).</p> <p>NCLC 2010 Reply Comments at 4-5 (even with cost of a site visit before disconnection to sensitive customers, overall savings is likely due to size of larger customer base that will generate remote disconnection and reconnection savings).</p> <p>NCLC 2010 Comments at 7-8 (current</p>	Yes

	practice of another utility of identifying specific, vulnerable customers groups for special protection implies cost effectiveness).	
5. NCLC demonstrated that an in-person site visit within the 48 hours prior to remote disconnection should be required.	<p>D.12-03-054 at 29 (requiring on-site visits by utility representatives to protect vulnerable or sensitive customers within 48 hours or at time of disconnection).</p> <p>NCLC 2011 Reply Comments at 3-4 (recommending 48 hour in-person notice).</p> <p>NCLC 2011 Comments at 10 (in-person contact within 48 hours before disconnection should be adopted).</p>	Yes
6. NCLC demonstrated that the definition of “Sensitive Customers” should include the seriously ill and those for whom disconnection presents a life-threatening condition.	<p>D.12-03-054 at 30 (expanding definition of vulnerable customers to those who certify they have a serious illness or life-threatening condition upon disconnection).</p> <p>NCLC 2012 Reply Comments at 1-4.</p> <p>Consumer Group 2012 Comments at 8 (citing to NCLC Phase II Comments regarding health and safety risks of disconnection); <i>See</i> Attachment 2 (NCLC 2012 timeslips dated 1/20, 1/25, 1/27, 1/28, 1/30 and coded REM).</p> <p>NCLC 2011 Comments at 10 (recommending no remote disconnection for vulnerable groups including seriously ill or those whose condition could become life-threatening).</p> <p>NCLC 2010 Comments at 5-7 (describing examples of special protections in Massachusetts, Hawaii, Arizona, and California for vulnerable populations of the elderly, disabled, and households where a fulltime resident has a serious illness).</p>	Yes
7. NCLC demonstrated that the in-person	D.12-03-054 at 51 (Finding of Fact No. 10	Yes

site visit before remote disconnection should be extended beyond Medical Baseline and Life Support customers to also include other Sensitive Customers.	not every disabled individual is enrolled in Medical Baseline), at 53 (Conclusion of Law No. 5), at 55 (Ordering Paragraph No. 2b). NCLC 2012 Reply Comments at 1-4	
8. NCLC demonstrated that “self-certification” by customers of serious illness and life-threatening conditions could be adopted as a process.	D.12-03-054 at 30 (customers may “self-certify” illness or life-threatening condition) at 53 (Conclusion of Law No. 5). NCLC 2011 Comments at 10 (recommending no remote disconnection for “self-identified” vulnerable groups, including the seriously ill or those with a life-threatening condition upon disconnection).	Yes
9. NCLC demonstrated that minimum standards should be adopted for remote disconnections.	D.12-03-054 at 30-31 (utilities should evaluate whether it is appropriate to broaden remote disconnection in-person visit beyond minimum requirements of this Order). Consumer Group 2012 Comments at 8-9 (urging adoption of updated uniform disconnection protocol under Section 394.4(b) because a change in disconnection technology should not penalize customers with lesser protection than experienced under a manual disconnection protocol); <i>See</i> Attachment 2 (NCLC 2012 Timeslips dated 1/20, 1/25, 1/27, 1/28, 1/30 and coded REM). NCLC 2011 Comments at 9-10 (remote disconnection customers should receive no less protection than manually disconnected customers).	Yes
10. NCLC demonstrated that gas service should not be remotely disconnected.	D.12-03-054 at 31. NCLC 2011 Comments at 10 (recommending no remote disconnection of gas service).	Yes
11. NCLC demonstrated that the in-person visit from a field representative for	D.12-03-054 at 40 (pre-disconnection site visit by field representative for vulnerable	Yes

vulnerable customers before remote disconnection should be permanent (i.e., not contingent on meeting benchmarks).	<p>customers will be exception to benchmark plan's sunset provision.)</p> <p>Consumer Group 2012 Comments at 11 (Proposed Decision (PD)'s discussion on benchmarks should be clarified to ensure vulnerable customers always receive a site visit before remote disconnection); <i>See</i> Attachment 2 (NCLC Timeslips dated 1/25/2012, 1/28/2012, and 1/31/2012, coded BENCH).</p>	
12. NCLC demonstrated that the live enrollment option for CARE should be permanent (i.e., not contingent on meeting benchmarks).	<p>D.12-03-054 at 40-41 (live enrollment in CARE program will be in effect permanently) at 52 (Conclusion of Law No. 3).</p> <p>Consumer Group 2012 Comments at 10-11 (PD decision on benchmarks should be clarified to ensure that live discussion with CSR is always available); <i>See</i> Attachment 2 (NCLC Timeslips dated 1/25/2012, 1/28/2012, and 1/31/2012, coded BENCH).</p> <p>NCLC 2011 Reply Comments at 1-2 (live CSRs can offer assistance not available through automated enrollment).</p>	Yes
13. NCLC demonstrated that bankruptcy customers should not be discriminated against in application of waiver of deposit provisions.	<p>D.12-03-54 at 45-46 (concurring with NCLC that customers who have filed bankruptcy should not be categorized as customers involved in fraud or bad check writing who are excepted from applicable deposit waivers), at 52 & 54 (Finding of Fact No. 22 & Conclusion of Law No. 9) at 57 (Ordering Paragraph 3 excludes bankruptcy customers from groups excepted from waiver of deposit requirement).</p> <p>NCLC 2010 Reply Comments at 3-4 (distinguishing those in bankruptcy from those involved in fraud or bad check writing and explaining federal prohibition against discrimination against bankruptcy</p>	Yes

	customers.	
14. NCLC demonstrated that a field representative must be able to provide means to collect on a bill during in-person visit prior to disconnection.	<p>D.12-03-054 at 48-49 (continuing in-field payment collection requirement of D.10-07-048), at 55 (Ordering Paragraph Nos. 2d, 2e, & 2h).</p> <p>NCLC 2011 Comments at 11 (on-site visit should be by representative trained to take payment).</p>	Yes
15. NCLC demonstrated that a choice-in-billing-date option should be offered, even if on a limited basis.	<p>D.12-03-054 at 36 (urging utilities to allow customer choice in billing date, to the extent billing systems allow), at 59 (Ordering Paragraph No. 6(b)).</p> <p>NCLC 2011 Reply Comments at 4-5 (PG&E should offer choice in billing date, within operational capacity to at-risk customers).</p> <p>NCLC 2011 Comments at 11-13 (citing to models in Oregon, Arizona, Wisconsin and Pennsylvania to support recommendation for choice in billing date pilot program).</p> <p>NCLC 2010 Reply Comments at 1-2 (PG&E presently accommodates customer requests for choice in billing date when operational capacity is not exceeded), at 3 (recommending a pilot program for a portion of PG&E and SCE's service territories).</p> <p>NCLC 2010 Comments at 2-4 (describing choice of billing date models in Louisiana and Oregon).</p>	Yes
16. NCLC contributed to the Commission's enjoining SCE from beginning remote disconnections under its own protocol. NCLC first identified the issue as a cause of customer confusion while these proceedings are ongoing and collaborated with the Consumer Group so that a motion would be filed, accordingly.	<p>D.11-12-028 at 4-5 (affirming Oct. 14, 2011 ruling to temporarily suspend SCE's implementation of remote disconnection without first conducting a field visit).</p> <p><i>See</i> Attachment 2, NCLC's Timeslip entries dated 8/19/2011, 8/24/2011, & 9/2/2011 and coded REM.</p>	Yes

B. Duplication of Effort (§§ 1801.3(f) & 1802.5):

	Claimant	CPUC Verified
a. Was the Division of Ratepayer Advocates (DRA) a party to the proceeding?	Yes	Yes
b. Were there other parties to the proceeding with positions similar to claimant's?	Yes	Yes
<p>c. Names of other parties: CforAT, Greenlining, and TURN (collectively with NCLC, Consumer Group) were parties that shared positions similar to NCLC's positions.</p> <p>Other parties to the proceeding were PG&E, San Diego Gas and Electric Company (SDG&E), Southern California Gas Company (SoCalGas) and SCE. SDG&E and SoCalGas settled their issues in Phase I of this proceeding. PG&E and SCE were active in Phase II of this proceeding that is covered by the instant filing, but their positions were generally not similar to those of NCLC.</p>		Yes
<p>d. Claimant's description of how it coordinated with Division of Ratepayer Advocates (DRA) and other parties to avoid duplication or how its participation supplemented, complemented, or contributed to that of another party:</p> <p>Throughout these proceedings, NCLC has remained engaged and cooperative with DRA and the Consumer Group. NCLC collaborated closely with DRA and the Consumer Group to avoid duplication of effort. The Consumer Group maintained a line of communication with DRA, and negotiated with the utilities at times individually, through DRA, and as a group as necessary. NCLC cooperated in planning joint strategy with DRA and the Consumer Group on settlement negotiations, the filing of comments, and submitting other pleadings and petitions to the Commission.</p> <p>The Consumer Group made formal and informal assignments of lead roles for particular issues. For example, in preparing Consumer Group 2012 Comments (filed Jan. 30, 2012), NCLC took the lead on drafting the sections of the Joint Comments that addressed (1) a remote disconnections protocol, (2) benchmarks, and (3) clarification that the obligations of requiring live CSR contact and an in-person visit before remote disconnection are independent of whether benchmarks are met.</p> <p>Similarly, duplication of efforts was avoided by the Consumer Group agreeing to individually focus on particular issues in 2012 Reply Comments. While members of the Consumer Group generally agreed on positions, duplication of efforts was avoided because the NCLC 2012 Reply Comments focused only on extending to additional sensitive customers the protection of a site visit before remote disconnection, while CforAT, Greenlining and TURN each focused on their individually assigned issues of notice, filed collection, benchmarks and costs.</p> <p>Additionally, although NCLC lacked resources to file a motion, NCLC shared with the Consumer Group the gathering of information, communication, and strategy in identifying an issue as possible grounds for Consumer Groups to contest – <i>i.e.</i>, SCE's planned roll-out of remote disconnections under its own protocol while these proceedings were ongoing. Consumer Group discussions led to the filing of TURN's September 29, 2011 motion and</p>		<p>Yes</p> <p>We make no reduction of this claim for duplication of effort.</p>

Responses by Greenlining and DRA in support. The Commission issued a ruling granting the motion and enjoining SCE from conducting remote disconnections without a site visit.

NCLC drew upon its unique experience and expertise as a national consumer organization while cooperating with the Consumer Group. In these proceedings, NCLC has taken the lead on the issues of models/best practices from other states, remote disconnections, payment arrangements, extreme weather protections, and protection against discrimination for consumers in bankruptcy. NCLC has also contributed its resources in this proceeding to make substantial contributions regarding data reporting, customer outreach, and the counter-productive effect of assessing monetary penalties through late payment fees and imposing credit deposit requirements against already payment-troubled customers. NCLC provided some analysis on other issues as well.

PART III: REASONABLENESS OF REQUESTED COMPENSATION

A. General Claim of Reasonableness (§§ 1801 & 1806):

a. Claimant's explanation as to how the cost of Claimant's participation bears a reasonable relationship with benefits realized through participation

This has been a very complicated docket with numerous parties negotiating their respective positions in Settlement, alongside their submissions of written comments and reply comments. NCLC was efficient with its case management. While it was necessary to stay abreast of the developments of all issues in order to determine if low-income consumer interests were being harmed, NCLC's primary focus was on national models/best practices, and issues of remote disconnections, payment plans, data collection/reporting requirements, extreme weather and bankruptcy consumer protection issues.

The benefits of NCLC's participation as one of the Consumer Group parties has been realized in this proceeding where NCLC's knowledge of best practice consumer protections in other jurisdictions and related research were called upon, and used in developing arguments that contributed to the Commission's ultimate decision(s). For remote disconnections, greater protections have been established as "sensitive customers" have been enlarged beyond Medical Baseline and Life Support customers to include those who are seriously ill and/or those for who would suffer a life-threatening condition upon disconnection. Also, an in-person visit in the 48 hours prior to remote disconnection is required for these vulnerable customer groups. Regarding payment plans, NCLC's comments regarding choice-in-billing date contributed to the Commission's declaration that utilities should offer this option within their operational capacity. For consumers in bankruptcy, NCLC's arguments contributed to the Commission's determination that bankruptcy customers should not be automatically excluded from waivers of re-establishment of deposit requirements, because bankruptcy customers are not the same as those who commit fraud.

CPUC Verified

After the adjustments we make to this claim, we find the remaining costs to be reasonable and worthy of compensation.

<p>NCLC's requests rates in this proceeding that are conservative and requests a conservative rate for its lead attorney, Darlene R. Wong. Attorney Wong's experience includes practicing from 2001 to 2009 as a consumer advocate at the Pennsylvania Office of Consumer Advocate which focused exclusively on regulatory utility matters. From 2009 to the present, as a member of NCLC's energy and utilities group, she has continued to focus the vast majority of her time on utility issues, both at state and national levels.</p> <p>While it is difficult to assign a precise dollar value to the benefit to ratepayers from NCLC's participation, NCLC's efforts have contributed to additional Phase II consumer protections that did not exist before this proceeding, as described above. These provisions should help customers make payments and avoid economic costs and inconveniences of disconnection. Additionally as described above, care has been taken to share resources with other Consumer Groups in assignment of issues and participating in joint filings, thus avoiding duplication. NCLC participated in meetings by teleconference, which also reduced participation costs that otherwise would have been incurred by travel.</p>	
<p>b. Reasonableness of Hours Claimed</p> <p>NCLC has documented in great detail the hours claimed in this filing and has drawn clear connections between the expenditure of its resources to the positive outcomes for consumers in this case. The time and effort NCLC has expended has directly resulted in a Commission Order with provisions that provide substantial benefits to customers that did not exist before NCLC's investment of time and resources in this case. Additionally, NCLC has voluntarily reduced the number of hours invested in this proceeding for which it is claiming compensation, by reducing the hours spent preparing this claim and excluding hours related to time coded as COST and SET, as explained in Attachment 5 (NCLC Time Allocation by Issue).</p>	<p>See Parts III.B and III.D below.</p>
<p>c. Allocation of Hours by Issue</p> <p>See Attachment 5 to NCLC request (NCLC Time Allocation by Issue).</p>	

B. Specific Claim*:

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours ₂	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
Darlene	2010	27.75	\$300	D.11-10-042	\$8,325.00	27.25	\$300	\$8,175.00

² NCLC has voluntarily reduced Attorney Wong's hours by excluding all time coded as COST and SET with the result as follows: In 2010, a reduction of 1.0 hours for COST and 0.25 hours for SET; in 2011 a reduction of 8.75 hours for SET; in 2012, a reduction of 1.5 hours for SET. This accounts for all COST and SET time on NCLC's Timeslips.

PROPOSED DECISION

Wong								
Darlene Wong	2011	87.75	\$315	D.11-10-042, together with NCLC's first request of a 5% "step increase" (in the "8-12" years of experience compensation range) authorized by D.07-01-009 and ALJ-267. See Attachment 4 (Basis of Request for NCLC's Hourly Rates)	\$27,641.25	56.25	\$315	\$17,718.75
Darlene Wong	2012	43	\$315	D.11-10-042, together with NCLC's first request of a 5% "step increase" (in the "8-12" years of experience compensation range) authorized by D.07-01-009 and ALJ-267. See Attachment 4 (Basis of Request for NCLC's Hourly Rates)	\$13,545.00	42.5	\$325	\$13,812.50
John Howat	2010	1.5	\$235	D.09-05-017	\$352.50	1.5	\$235	\$352.50
John Howat	2011	1.5	\$235	D.09-05-017	\$352.50	1.5	\$235	\$352.50
John Howat	2012	3.5	\$235	D.09-05-017	\$822.50	3.5	\$240	\$840.00
	Subtotal:				\$51,038.75	Subtotal:		\$41,251.25
OTHER FEES								
Describe here what OTHER HOURLY FEES you are Claiming (paralegal, travel **, etc.):								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$

[Person 1]				\$				
[Person 2]								
	Subtotal:				\$0	Subtotal:		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
Darlene Wong	2012	11.75	\$157.5	½ requested regular hourly rate. See Attachment 4.	\$1,850.625	11.75	\$162.50	\$1,909.375
[Preparer 2]								
	Subtotal:				\$1,850.63	Subtotal:		\$1,909.38
COSTS								
#	Item	Detail			Amount	Amount		
1	Conference Call	NCLC hosted a 1.5 hour conference call on January 17, 2012 with Consumer Groups to discuss issue-drafting assignments and coordinating efforts for Joint Comments in response to the PD. See NCLC Timeslip dated 1/17/2012, coded COORD.			\$35.60	\$35.60		
Subtotal:					\$35.60	Subtotal:		\$35.60
TOTAL REQUEST \$:					\$52,924.98	TOTAL AWARD \$:		\$43,196.23
<p>*We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Claimant's records should identify specific issues for which it requested compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants, and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Reasonable claim preparation time is typically compensated at ½ of preparer's normal hourly rate (the same rate applies to travel time).</p>								

C. Attachments Documenting Specific Claim and Comments on Part III

Attachment or Comment #	Description/Comment
1	Certificate of Service
2	Time Slips for NCLC's Attorneys and Expert Consultant The following is a key to the codes used in Attachments 2 and 5:

	BANK/DEP	Bankruptcy/Deposits - work related to bankruptcy, deposits, and other late payment penalties; application of protections and nondiscriminatory treatment of bankruptcy customers and other customers with arrearages of whom deposits or penalties are proposed to be assessed.
	BENCH	Benchmarks - work related to creating an incentive in settlement for utilities to lower disconnection rate.
	COORD	Coordination - work related to coordination with other parties; conference calls, emails and correspondence on joint strategy, joint filings, allocation of issues, etc.
	COST	Cost recovery - work related to issue of recovery of costs associated with measures adopted in this proceeding to reduce disconnections.
	GP	General Participation - work related to general participation/procedural/case management.
	MOD	Models - work related to research and presenting existing models from other states on remote disconnections, payment plans, and other issues in this proceeding.
	OUT	Outreach - work related to improving customer outreach and notice, particularly relating to remote disconnections and offering payment plans.
	PD	Proposed Decision - work related to analysis, comments, coordination, and strategy pertaining to Proposed Decision's discussion of payment plans, deposits, outreach, remote disconnections, and data reporting when time spent was difficult to separate out into specific issue categories.
	PP	Payment Plans - work related to advocacy for option of longer, renegotiated and/or more flexible payment plans that maximize customer ability to pay.
	REM	Remote Disconnections - work related to establishing remote disconnection policies that include adequate consumer protection from premature or erroneous disconnection and ensure existing customer protections are not waived.
	SET	Settlement - substantive work related to analysis, coordination, strategy, revisions and negotiations in settlement on issues such as payment plans, deposits, outreach, remote disconnections, and data reporting when exact time spent was difficult to separate out into specific issue categories. For these entries, estimated allocation of time spent on issues can be broken down as follows (rounded to the nearest whole percentage): BANK/DEP = 9%, COORD = 14%, DATA = 17%, MOD = 7%, OUT = 7%, PP = 26%, REM = 17%, WEA = 4%.

	WEA	Weather - work related to establishing protections from disconnection during extreme weather.	
3	Direct Expenses NCLC hosted a 1.5 hour conference call on January 17, 2012, with Consumer Groups, to discuss issue drafting assignments and coordinating efforts for Joint Comments in response to the Proposed Decision. <i>See</i> NCLC Timeslip dated 1/17/2012, coded COORD.		
4	Basis of Request for NCLC's Hourly Rates NCLC believes that it has provided sufficient support for the requested rate for Staff Attorney Darlene Wong and Senior Policy Analyst John Howat under the Commission's adopted practices. However, if the Commission has any questions or concerns about this request, NCLC respectfully requests that it be given an opportunity to answer any questions and provide further support to its claim.		
5	NCLC Time Allocation by Issue <i>See</i> description of Attachment 2 for applicable key to issue codes.		
6	Preparation of Compensation Claim		
7	Verification		

D. CPUC Disallowances, Adjustments, and Comments:

#	Reason
1	We approve Ms. Wong's hourly rate of \$300 for 2010; \$315 for 2011 (implementing Ms. Wong's first step increase in the eight to twelve years of experience range) and \$325 for 2012 (implementing the cost of living adjustment authorized by Resolution ALJ-281).
2	We reduce the hours claimed by Ms. Wong in 2011 for drafting the Phase II comments (a total of 63 hours for the 15 page opening comments filed on May 20, 2011) and reply comments (a total of 19.5 hours for the five page reply comments filed on May 31, 2011) as excessive. While recognizing that legal research was necessary prior to drafting these comments, given the level of Ms. Wong's experience, we compensate 40 hours for the opening comments and 12 hours for the reply comments, for a total reduction of 30.5 hours for 2011 for this item.

3	We reduce the hours claimed by Ms. Wong for a total of 2 hours for tasks such as organizing files and scheduling meetings, since these activities are clerical tasks which are non-compensable. These hours include 0.5 hours billed on 9/30/2010; 1.0 hour billed on 3/17/2011 and .50 hours billed on 3/15/2012
4	We approve Mr. Howatt's requested hourly rate of \$235 for 2010 and 2011. We increase this hourly rate to \$240 for 2012 (implementing the cost of living adjustment authorized by Resolution ALJ-281).

PART IV: OPPOSITIONS AND COMMENTS

A. Opposition: Did any party oppose the Claim?	No
B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(2)(6))?	Yes

FINDINGS OF FACT

1. Claimant National Consumer Law Center has made a substantial contribution to Decision (D.) 12-03-054 and D.11-12-028.
2. The requested hourly rates for Claimant National Consumer Law Center's representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
4. The total of reasonable contribution is \$43,196.23.

CONCLUSION OF LAW

1. The Claim, with any adjustment set forth above, satisfies all requirements of Public Utilities Code §§ 1801-1812.

ORDER

1. Claimant National Consumer Law Center is awarded \$43,196.23.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Edison Company, and Southern California Gas Company shall pay Claimant National Consumer Law Center their respective shares of the award, based on their California-jurisdictional gas and electric for the 2011 calendar year, to reflect the year in which the proceeding was primarily litigated.

Payment of the award shall include interest at the rate earned on prime, three-month commercial paper as reported in Federal Reserve Statistical Release H.15, beginning August 1, 2012, the 75th day after the filing of Claimant's request, and continuing until full payment is made.

3. The comment period for today's decision is waived.
4. This decision is effective today.

Dated _____, at San Francisco, California.

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:		Modifies Decision? No
Contribution Decision(s):	D1203054; D1112028	
Proceeding(s):	R1002005	
Author:	Maryam Ebke	
Payer(s):	Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Edison Company, and Southern California Gas Company	

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier	Reason Change/Disallowance
National Consumer Law Center (NCLC)	May 18, 2012	\$52,924.98	\$43,196.23	No	Reduction in hours as excessive hours spent on two pleadings; reduction in clerical task hours; increase in 2012 hourly rate to reflect cost of living adjustment authorized by Resolution ALJ-281.

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Darlene	Wong	Attorney	NCLC	\$300	2010	\$300
Darlene	Wong	Attorney	NCLC	\$315	2011	\$315
Darlene	Wong	Attorney	NCLC	\$315	2012	\$325
John	Howat	Expert	NCLC	\$235	2010	\$235
John	Howat	Expert	NCLC	\$235	2011	\$235
John	Howat	Expert	NCLC	\$235	2012	\$240

(END OF APPENDIX)